

MEMBER SERVICES

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TOMORROW'S FORECAST

- * The House will reconvene for its 29th Legislative Day on Thursday, March 9, at 10:00 am.
- * 11 bills are expected to be debated on the floor.

GEORGIA HOUSE OF REPRESENTATIVES

DAILY REPORT

WEDNESDAY, MARCH 8, 2006

LEGISLATIVE DAY# 28

TODAY ON THE FLOOR

Speaker of the House, Rep. Glenn Richardson, gavelled the House into session today, at 10:00 am, for the 28th Legislative Day of the 2nd Session of the 148th General Assembly.

CONFERENCE COMMITTEE REPORTS

HB1026 Supplemental appropriations; FY 2005-2006

- A BILL to amend an Act providing appropriations for the State Fiscal Year beginning July 1, 2005, and ending June 30, 2006, known as the "General Appropriations Act," approved May 10, 2005
- **Authored By:** Rep. Glenn Richardson
- **House Committee:** Appropriations
- **Yea:** 165 **Nay:** 2
- ***Adoption of this Conference Committee Report represents Final Passage of this Bill.***

DEBATE CALENDAR

HB0925 Torts; asbestos claims and successor corporations; provisions

- HB 925 provides for a liability cap on certain asbestos related claims against being made against companies which never manufactured, sold, or distributed, asbestos products, but, prior to the dangers of asbestos being know, merged with companies that had dealt with asbestos products in the past. If such a merger was made prior to 1972, when OSHA recognized the dangers of asbestos, the "innocent" acquiring company's liability for asbestos related claims will be limited based on the fair market value of the acquired company's total gross assets, increased annually at an interest rate of prime plus 1%.
- **Authored By:** Rep. David Ralston
- **Special House Rules Applied:** Open
- **House Committee:** Special Committee on Civil Justice Reform
- ***Motion to Recommit to Rules Committee was adopted***

HB1053 Prestige license plates; "In God We Trust"; provisions

- This bill incorporates all specialty license plate bills which designate funds to any organization other than the general fund. An example being, a special license plate promoting the national logo "In God We Trust". A portion of the proceeds from the plate would go to the Boy Scouts of America.
- **Authored By:** Rep. James Mills
- **Special House Rules Applied:** Structured
- **House Committee:** Motor Vehicles
- **Yea:** 145 **Nay:** 16

HB1385 Building plan reviews; private professional providers; provisions

- HB 1385 would allow a governing authority or corporation to hire private professional providers to perform building plan reviews and inspections when the local jurisdiction cannot perform these services in a timely manner. HB 1385 allows 30 days for the local governing authority to provide the plan review before securing the services of a private professional provider. The term private professional provider is expanded to include a professional, registered architect in addition a

professional, registered engineer. Under HB 1385 the private professional provider has to meet several requirements, including: •Complying with the Georgia State Minimum Standard Codes and the Manual for Erosion and Sediment Control in Georgia, as well as any locally adopted ordinances and amendments; •Obtaining professional liability insurance; •Submitting a copy of the professional providers review report, an affidavit, the appropriate local documents, and any applicable fees; After receiving the permit application and affidavit, the local building official and the state fire marshal have 30 business days to issue the permit, or provide written notice identifying the plan features that do not comply with the codes, as well as the codes themselves. HB 1385 further provides for a local building official to issue a stop-work order for the project if the official determines that noncompliance poses a threat to public safety and welfare. However, unless the building poses an immediate threat, the stop-work order is contingent upon the local building official meeting with the private professional provider within two business days to resolve the dispute.

- **Authored By:** Rep. John Heard
- **Special House Rules Applied:** Open
- **House Committee:** Regulated Industries
- **Yea:** 123 **Nay:** 31

HB1399 Magistrate's salary; waiver; provide

- Allows magistrate judges to waive their right to a minimum monthly salary
- **Authored By:** Rep. David Ralston
- **Special House Rules Applied:** Open
- **House Committee:** Judiciary
- **Yea:** 157 **Nay:** 0

HB1405 Workers' compensation; time frame for claim to be documented; require

- Bill provides that for all claims filed with SITF on or before July 1, 2006, the deadline for a reimbursement agreement to be reached will be June 30, 2009. For all claims filed with the SITF following July 1, 2006, the deadline for a reimbursement agreement to be reached will be 3 years upon receipt of notice of claim by the SITF. If compensability is in question before the State Board of Workers' Compensation, the deadline will be 3 years upon final adjudication by the Board.
- **Authored By:** Rep. Mike Coan
- **Special House Rules Applied:** Open
- **House Committee:** Industrial Relations
- **Yea:** 154 **Nay:** 7

HB1444 Insurance; insolvencies; amend provisions

- This bill revises the applicability of certain sections of an Act approved May 2, 2005 (Ga. L. 2005, p. 563), so as to apply to insolvencies occurring on and after the effective date of the Act.
- **Authored By:** Rep. Howard Maxwell
- **Special House Rules Applied:** Open
- **House Committee:** Insurance
- **Yea:** 156 **Nay:** 0

HR1169 Colonel R. H. Burson Bridge; designate

- A Resolution dedicating the Colonel R.H. Burnson Bridge; and for other purposes.
- **Authored By:** Rep. Tim Bearden
- **Special House Rules Applied:** Structured
- **House Committee:** Transportation
- **Yea:** 153 **Nay:** 1

HR1564 Special license plates; dedicate revenue; provisions - CA

- HR 1564 is the companion resolution to HB 1053 and creates the Constitutional Amendment Ballot Question for the designation of proceeds arising from the purchase of certain prestige license plates.
- **Authored By:** Rep. Matt Dollar
- **Special House Rules Applied:**
- **House Committee:** Motor Vehicles
- **Yea:** 126 **Nay:** 29

SUPPLEMENTAL CALENDAR

HB1027 General appropriations; FY 2006-2007

- A BILL to make and provide appropriations for the State Fiscal Year beginning July 1, 2006, and ending July 30, 2007.
- **Authored By:** Rep. Glenn Richardson
- **Special House Rules Applied:** Open

- **House Committee:** Appropriations
- Amendments: AM by Rep. DuBose Porter: Failed by vote of Y:35 / N: 117
- **Yea:** 164 **Nay:** 3
- *This bill is now been in the Senate.*

** The House will reconvene Thursday, March 9 at 10:00 am for its 29th Legislative Day of the 2nd Regular Session of the 148th General Assembly.*

COMMITTEE ON RULES

The Committee on Rules today has fixed the calendar for the 29th Legislative Day, Thursday, March 9, as enumerated below, and can be called at the pleasure of the Speaker of the House.

DEBATE CALENDAR

HB0239 Civil practice; settlement offers; litigation costs

- The committee substitute to SB 239 is designed to encourage opposing parties in a civil action to be reasonable in offers to settle. This bill creates a 75/125 standard which clarifies when a party is entitled to attorney's fees. A plaintiff will be required to pay a defendant's attorney's fees if the verdict to plaintiff is less than 75% of defendant's offer of settlement. A defendant will be required to pay a plaintiff's attorney's fees if the verdict to plaintiff is in an amount greater than 125% of defendant's offer of settlement.
- **Authored By:** Rep. Barry Fleming
- **Special House Rules Applied:** Structured
- **House Committee:** Special Committee on Civil Justice Reform

HB0695 Disabled Assistants Act; authorize permits for certain wild animals

- This bill provides that certain disabled persons shall be issued a wild animal permit if a person has a disability which interferes with that person's ability to perform one or more routine daily living activities. The applicant must establish to the satisfaction of the Department prior to issuance of such permit: that the animal for which the permit is to be issued has been or will be trained to assist the person in performing his or her daily living activities; that the animal will be humanely treated and will not present a health or safety threat; that the organization furnishing the animal to the applicant is reputable, lawful, and does not have any history of violating this chapter; and must provide to the department documentation and data sufficient to establish that the organization has a proven record, over at least a ten-year period, of furnishing animals which provide meaningful assistance to persons with disabilities.
- **Authored By:** Rep. Doug Holt
- **Special House Rules Applied:** Open
- **House Committee:** Game, Fish & Parks

HB0841 Sales tax exemption; qualified job training organizations

- This bill provides for a sales tax exemption on sales of tangible personal property and services to a qualified job training organization if such organization obtains an exemption letter from the DOR commissioner. In order to receive this exemption the qualified job training organization must be located within the state, have 501(c)(3) status, specialize in the retail sale of donated items, provide job training and employment services to individuals with workplace disadvantages and disabilities, use a majority of its revenue for job training and placement programs and provide other critical community services. This exemption will sunset July 1, 2008.
- **Authored By:** Rep. Ron Stephens
- **Special House Rules Applied:** Structured
- **House Committee:** Ways & Means

HB0893 Sales tax; educational purposes; amend certain provisions

- This is a companion bill to HR 773 and allows for a county school district in which one or more independent school districts are located to levy a sales tax for educational purposes without the participation of all independent school districts located within the limits of the local taxing jurisdiction.
- **Authored By:** Rep. Jan Jones
- **Special House Rules Applied:** Structured
- **House Committee:** Ways & Means

HB1006 Prestige license plates; Breast Cancer; distribution of renewal fees

- HB 1006 emphasizes that the renewal registration fees for prestige license plates supporting breast cancer programs be

distributed in the same manner as the initial fees.

- **Authored By:** Rep. Kathy Ashe
- **Special House Rules Applied:** Structured
- **House Committee:** Motor Vehicles

HB1030 Excise tax; furnishing of public accommodations; change provisions

- This bill provides for an additional hotel-motel tax levy at a rate of 5% for any county or city that has a convention center of at least 50,000 square feet that is owned by a development authority and leased to a charitable trust. Further restrictions require that the county or city have a private sector nonprofit organization which has entered into a contract with the county or city and the charitable trust on or before December 31, 2005 relating to the expenditure of the proceeds of the tax collected under this Code section.

- **Authored By:** Rep. Vance Smith
- **Special House Rules Applied:** Structured
- **House Committee:** Ways & Means

HB1090 Public works; exercise of power to contract by Department of Transportation; amend

- A bill to be entitled an Act to amend Chapter 10 of Title 13 Of the O.C.G.A., relating to contracts for public works, and Article 4 of chapter 2 of Title 32 of the O.C.G.A., relating to exercise of power to contract by the DOT generally, so as to provide that a contractor that is more than 30 days behind in the performance of a state public works construction contract or a construction or maintenance contract with the DOT due to the fault of such contractor shall not be eligible to bid on any additional state public works construction contracts or DOT construction or maintenance contracts until such time as the performance of such contract is brought current or is completed; to provide fo related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- **Authored By:** Rep. Ben Harbin
- **Special House Rules Applied:** Open
- **House Committee:** Transportation

HB1178 Prescription drugs; unused; medically indigent persons; establish program

- This bill would charge the state Health Agencies and the Board of Pharmacy with creating and administering a program to dispense surplus medicines to indigent persons.

- **Authored By:** Rep. Cecily Hill
- **Special House Rules Applied:** Modified-Structured
- **House Committee:** Health & Human Services

HB1301 Sales and use tax exemption; certain food and groceries; food bank; provide

- This bill provides for a sales tax exemption for the sale of eligible food and beverages to a qualified food bank from July 1, 2006-June 30, 2008. Such entity is defined as a food bank which has 501(c) (3) statue and that operates primarily for the purpose of providing hunger relief to low income persons residing in Georgia.

- **Authored By:** Rep. Chuck Martin
- **Special House Rules Applied:** Structured
- **House Committee:** Ways & Means

HB1320 Environmental offenses; littering; revise provisions

- This bill creates the "Comprehensive Litter prevention and Abatement Act of 2006." The Act reorganizes the Code sections that deal with proper litter disposal and punishments for improper litter disposal. The bill defines a new term "egregious litter" and provides for punishments as a misdemeanor any egregious litter that is not a biohazard; punishment will be as a felony if egregious litter is a biohazard. The Act will also allow law enforcement to impound the vehicle of anyone convicted of egregious litter and creates a procedure for taking and returning the vehicle. This bill sets requirements for reporting on litter by agencies to the General Assembly and empowers probate, municipal and magistrate courts to hear misdemeanor litter cases.

- **Authored By:** Rep. Lynn Smith
- **Special House Rules Applied:** Modified-Open
- **House Committee:** Judiciary Non-Civil

HR0773 Sales tax for educational purposes; authorization under certain conditions - CA

- This resolution allows for a county school district in which one or more independent school districts are located to levy a sales tax for educational purposes without the participation of all independent school districts located within the limits of the local taxing jurisdiction.

- **Authored By:** Rep. Jan Jones
- **Special House Rules Applied:** Structured
- **House Committee:** Ways & Means

COMMITTEE ACTION REPORT

AGRICULTURE & CONSUMER AFFAIRS

HB1424 Dogs; hunting; change certain provisions

- Several years ago there was a problem with deer hunters who use dogs to hunt. There had been numerous complaints from landowners about the dogs coming onto their property in pursuit of a deer and the hunters who owned the dogs coming onto the property to retrieve the dogs without first obtaining the permission of the landowner. Some situations got out of hand and a legislative solution was sought and gained. Since that time, the majority of the deer/dog hunters have since cleaned up much of the problem, but now there is concern among many deer/dog hunters that the current law unfairly targets hunting clubs who hold club permits whereby a rogue member could jeopardize the club's dog hunting tract permit. This legislation is a compromise reached by the dog hunters in conjunction with interested parties. This compromise allows the hunting clubs to enjoy some relief from the fear that a few hunters might jeopardize the club's dog hunting tract permit while also protecting the rights of neighboring landowners. This bill would require a permit for the dog, would allow for a cause of action against the dog owner upon the third cumulative violation of the dog roaming onto neighboring property, and a cause of action against the tract permit holder (e.g. hunting club) if any two members or guests violate the above provision once in the same season.

- **Authored By:** Rep. Tommy Smith

- **Committee Action:** Do Pass by Committee Substitute

INDUSTRIAL RELATIONS

SB0486 Employment Security Law; exempt direct sellers from definition of employment

- Adds new subsection 18 to 34-8-35 which provides that a direct seller will not be considered an employee.

- **Authored By:** Sen. Don Balfour

- **Committee Action:** Do Pass

JUDICIARY NON-CIVIL

HB1256 Eyewitness identification accuracy; procedure for enhancing; provide

- Declares that the General Assembly finds eye witness error as the leading cause of mistaken convictions. Creates code section 17-19 which provides that Attorney General will develop procedures for photo and live lineup eyewitness identification. Further provides for certain standards for live and photo lineups as well as instructions to be given to the eyewitness.

- **Authored By:** Rep. Stephanie Benfield

- **Committee Action:** Do Pass

REGULATED INDUSTRIES

HB0910 Cemeteries and funeral services; amend certain provisions

- HB 910 creates a new licensing board, the State Board of Cemeterians, to license and regulate the cemetery owner industry. Aside from licensing cemetery owners, the main purpose of the Board will be to deal with all the issues and regulations involved in the existing Cemetery Act; HB 910 seeks to resolve the issues and recurring problems faced by Georgia cemeteries. HB 910 specifies that the Secretary of State, in making regulations under the cemetery laws, acts by and through the Board. Also, HB 910 adds a prohibition on unlicensed or unregistered people selling burial merchandise.

- **Authored By:** Rep. Carl Rogers

- **Committee Action:** Do Pass by Committee Substitute

HB0938 Surgical assistants; licensing standards and requirements; provisions

- HB 938 affects physicians, acupuncturists, physician assistants, and surgical assistants.

Regarding the Composite State Board of Medical Examiners, HB 938 gives certain powers and responsibilities to this board. HB 938 also lists the standards and criteria that surgical assistants must meet to receive a license. Further, HB 938 provides for state reciprocity for surgical assistants.

- **Authored By:** Rep. David Graves

- **Committee Action:** Do Pass by Committee Substitute

HB1367 Georgia State Board of Pharmacy; registry of pharmacy technicians; require

- Regarding the Georgia State Board of Pharmacy, HB 1367 would require the board to establish and maintain a registry of pharmacy technicians in this state, which contains the name and home address of each pharmacy technician and his or her employer and location of employment. The board would establish the pharmacist in charge of each pharmacy to provide updated information on the pharmacy technicians in the pharmacy. The board could establish and collect fees from pharmacy technicians or their employers for the maintenance of the registry. Also under HB 1367, the pharmacist to pharmacy technician ratio will not exceed one pharmacist providing direct supervision of three pharmacy technicians. One of the three technicians must: (1) Have successfully passed a certification program approved by the board of pharmacy; (2) Have successfully passed an employer's training and assessment program which has been approved by the board of pharmacy; or (3) Have been certified by either the Pharmacy Technician Certification Board or any other nationally recognized certifying body approved by the board of pharmacy.

- **Authored By:** Rep. Ron Stephens

- **Committee Action:** Do Pass

HB1391 State Licensing Board for Residential and General Contractors; change provisions

- HB 1391 proposes several changes to the State Licensing Board for Residential and General Contractors, including: Adding one member to serve under the residential contractor division board and one member to be eligible for a license; Allowing only one of the residential contractor members to perform residential-light commercial projects; Adding the provision that one member shall serve an initial term of one year; Extending the appointment date of the initial members to no later than July 1, 2006.

- **Authored By:** Rep. Mark Burkhalter

- **Committee Action:** Do Pass

HB1542 Contractors; licensing requirements; extend date

- HB 1542 concerns licensing for residential and general contractors by extending the following dates: Licensing requirements imposed by the chapter become effective July 1, 2008; Persons must meet and apply to be licensed without examination by July 1, 2008; Relating to licensure involving a reciprocal agreement, the new date would be: January 1, 2006 and continuing thereafter

- **Authored By:** Rep. David Ralston

- **Committee Action:** Do Pass

RETIREMENT

HR0030 Peace Officers' Annuity and Benefit Fund; retirement credit; funding - CA

- Proposing an amendment to the Georgia Constitution so as to provide that the General Assembly shall be authorized to enact legislation and appropriate funds providing for retirement credit for retired members of the Peace Officers' Annuity and Benefit Fund for prior service as a peace officer rendered prior to January 1, 1976 and to provide for membership for inactive peace officers who rendered service prior to January 1, 1976.

- **Authored By:** Rep. Tyrone Brooks

- **Committee Action:** Do Pass

STATE PLANNING & COMMUNITY AFFAIRS

HB1109 American Indians; certain tribes; change address

- The bill deletes the current legal address of The Georgia Tribe of Eastern Cherokee and replaces it with language which designates the legal address as that registered with the Secretary of State's office.

- **Authored By:** Rep. Ben Bridges

- **Committee Action:** Do Pass

TRANSPORTATION

HR1661 Hershel Stokes Memorial Overpass; dedicate

- Resolution to dedicate the Hershel Stokes Memorial Overpass. (Includes HR 1637, which This resolution was drafted into substitute under the heading HR 1661. This one is dedicating the Okefenokee Trail, authored by Rep. Cecily Hill).

- **Authored By:** Rep. Mark Hatfield

- **Committee Action:** Do Pass by Committee Substitute

** Committee action reports are edited for this report. For full content, please contact the House Committee*

COMMITTEE BROADCAST SCHEDULE

THURSDAY, MARCH 9, 2006

8:00 am Ways & Means
133 CAP

8:30 pm State Institutions & Property
506 CLOB

9:00 am Committee on Rules
341 CAP

2:00 pm Health & Human Services
606 CLOB

2:00 pm Judiciary - Civil
132 CAP

** To view the committee broadcast, please the Georgia Legislative Network's link at www.legis.ga.gov*

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